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September 15, 2010

**VIA ECF**

The Honorable George Lowe  
United States Magistrate Judge  
United States District Court  
for the Northern District of New York  
Federal Building and Courthouse  
100 South Clinton Street  
Syracuse, New York 13261-7346

Re: Utica Mutual Insurance Company v. Fireman's Fund  
Insurance Company, No. 6:09-CV-0853 (DNH/GHL)

Dear Magistrate Judge Lowe:

We are counsel to Fireman's Fund Insurance Company ("FFIC"). After receiving (i) Walter Andrews' September 14, 2010 letter requesting leave to comment on Judge Hellerstein's September 7, 2010 order in the Utica Mutual/R&Q Re matter, 10 Civ 2669 (SDNY) and (ii) Your Honor's order granting Mr. Andrews' request, we telephoned Mr. Andrews to suggest that the parties agree upon a submission schedule (recognizing that FFIC would want the opportunity to comment on anything Utica Mutual might submit) and thereby spare the Court from receiving multiple, seriatim requests for leave to make a supplemental filing. Mr. Andrews agreed to this approach and the parties suggest that they exchange their letters between themselves on the following schedule:

- 1) Utica to provide FFIC its opening comments  
September 23
- 2) FFIC to provide its response  
October 1
- 3) Utica to provide its reply  
October 8

Thereafter, Utica Mutual will deliver all three letters to the Court in a single package. Please let us know if this procedure is acceptable to the Court.

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Mr. Andrews reviewed this letter in draft and joins in it.

Respectfully,



John F. Finnegan

cc: Walter Andrews, Esq.  
Syed Ahmad, Esq.

(VIA ECF & EMAIL)  
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